

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Appellant,

v.

Appeal No. 22-4609

RANDY PRICE,

Appellee.

**MOTION TO EXTEND TIME
TO FILE APPELLEE'S BRIEF**

Comes now the Appellee, Randy Price, by his counsel, pursuant to Rule 31(c) of the Local Rules of the Fourth Circuit, and respectfully moves this Court to grant an extension of approximately 30 days of the due date for his brief, making it due on or before February 6, 2023. In support of this motion, undersigned counsel represents:

1. Pursuant to the briefing order of this Court filed on November 19, 2022, the Government filed its brief and the joint appendix for this appeal on December 15, 2022. Price's brief in response is currently due on January 5, 2023.

2. On December 23, 2022, Amicus Curiae briefs were filed by Everytown for Gun Safety; Brady & March for Our Lives; and the District of Columbia, et al.

3. Undersigned counsel Byrne is also counsel in the following cases pending before this Court:

- a. *United States v. Jackson*, Appeal No. 22-4159, with a brief and joint appendix due on January 4, 2023.
- b. *United States v. Nutter*, Appeal No. 22-4541, with a brief and joint appendix due on January 9, 2023.
- c. *United States v. Perwaiz*, 21-4255, with a brief and joint appendix due on January 17, 2023. As set forth in counsel's motion to extend the due date in that appeal, it arises from a multi-week trial with a transcript of nearly 3000 pages. Appeal No. 21-4255, Dkt. No. 53.

4. In addition to those obligations, undersigned counsel Byrne is also scheduled to be on combined annual and holiday leave between December 26, 2022, and January 3, 2023.

5. This appeal involves, in addition to the Government's briefing, briefing by various *amici* in support of the Government, presenting undersigned counsel with additional arguments to analyze and respond to, if necessary.

6. In light of undersigned counsel's obligations at present, counsel feels they will be unable to adequately complete the review of the briefs filed in this matter and conduct the necessary research on issues in order to prepare his brief for filing on or before January 5, 2023.

7. Pursuant to Local Rule of the Fourth Circuit 27(a), undersigned counsel has contacted the attorney representing the Appellant in this case of the filing of this

motion via email to determine if the United States has any objection to the relief requested. They have authorized undersigned counsel to inform the Court that the Government has no objection to the relief requested in this motion.

WHEREFORE, Appellant requests an extension of time of approximately 30 days in which to file the opening brief and joint appendix in this appeal, making them due on February 6, 2023.

Date: December 27, 2022

Respectfully submitted,

RANDY PRICE

By Counsel

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FEDERAL PUBLIC DEFENDER

s/Jonathan D. Byrne

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